HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No. 741 of 2007

Between:

S. Sathyanarayana & another

… Appellants

And

The A.P. Central Power Distribution Co. Ltd.,
Rep. by its Chairman & Managing Director,
Hyderabad & others

… Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri D.L. Pandu

Counsel for the respondents : Shri K. Balarami Reddy

September 14, 2007

Per G.S. SINGHVI, CJ

The appellants, who were engaged as skilled contract labour in the employment of Andhra Pradesh Central Power Distribution Company Limited (respondent No.1 herein), have filed this appeal for setting aside order dated 12.07.2007 passed by the learned Single Judge in Writ Petition No. 14713 of 2007, whereby he declined their prayer for issue of a direction to the respondents to appoint them as Junior Linemen on contract basis in furtherance of the selection held in May/June 2007.

In the writ affidavit filed by him, appellant No.1 – S. Satyanarayana averred that after completing ITI in 1996-98, he joined the respondents' organization as contract labour in 2000; that

appellant No.2 joined as contract labour in 2002; that both appeared in the interviews held in June 2007 for appointment as Linemen, but in complete disregard of their seniority and experience, the non-petitioners have ignored their claim for appointment.

The learned Single Judge dismissed the writ petition by observing that the disputed questions of fact relating to the nature of contractual employment of the writ petitioners cannot be adjudicated under Article 226 of the Constitution of India.

We have heard learned counsel for the parties and scrutinized the record. In our opinion, the appellants' prayer for issue of a mandamus to the respondents to select and appoint them as Junior Linemen on contract basis is liable to be rejected because they have not produced any evidence before the Court to show that they were selected for such appointment. The law on the subject is well-settled. The selections by the recruiting agency does not create an indefeasible right in favour of the candidate to be appointed against the advertised post - **State of Haryana v. Subash Chander Marwaha**[1] and **Shankarsan Dash v. Union of India**[2] . If that be the legal position in respect of the selected candidates, the appellants, who were not even selected on the basis of the test conducted in May/June 2007, are not entitled to a mandamus for their appointment as Junior Linemen on contract basis.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No. 1483 of 2007 filed by the appellants for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

September 14, 2007
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[1] AIR 1973 SC 2216

[2] AIR 1991 SC 1612